

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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NATIONAL ASSOCIATION OF THEATRE :
OWNERS; NATIONAL ASSOCIATION OF :
THEATRE OWNERS OF NEW JERSEY; :
AMERICAN MULTI-CINEMAS, INC.; :
CINEMARK USA, INC.; REGAL CINEMAS, :
INC.; BJK ENTERTAINMENT, INC.; BOW :
TIE CINEMAS, LLC; and COMMUNITY :
THEATERS LLC, :

Plaintiffs,

- against -

PHILIP D. MURPHY, in his official capacity as :
Governor of New Jersey; and JUDITH :
PERSICHILLI, in her official capacity as Acting :
Commissioner of Health of New Jersey, :

Defendants.

Case No. 3:20-cv-08298-BRM-TJB

ECF Case

**ORDER TO SHOW CAUSE FOR
A PRELIMINARY INJUNCTION**

THIS MATTER having been brought before the Court by Plaintiffs National Association of Theatre Owners, National Association of Theatre Owners of New Jersey, American Multi-Cinema, Inc., Cinemark USA, Inc., Regal Cinemas, Inc., BJK Entertainment, Inc., Bow Tie Cinemas, LLC, and Community Theaters LLC (collectively, “Plaintiffs”), through their counsel, by Order to Show Cause seeking a temporary restraining order and preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, and upon the Memorandum of Law and Declarations submitted herewith, the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show Cause, and for good cause shown,

IT IS on this 14th day of July, 2020, **ORDERED** that the Defendants Philip D. Murphy, in his official capacity as Governor of New Jersey, and Judith Persichilli, in her official capacity as Acting Commissioner of Health of New Jersey (“Defendants”), appear personally or

through counsel, as set forth below, before the United States District Court for the District of New Jersey, Hon. Brian R. Martinotti, U.S.D.J., by the 4th day of August, 2020, or as soon thereafter as counsel can be heard (*see infra* ¶ 6), and show cause why an Order should not be entered:

1. enjoining and restraining Defendants, as well as their officers, agents, servants, employees, and all persons in concert or participation with them, from applying or enforcing any Executive Orders (including, without limitation, Executive Order No. 157) or other official actions, against movie theatres, requiring their closure, or imposing different terms for opening to the public than those imposed upon religious or political indoor gatherings.

And it is further **ORDERED** that:

1. Plaintiffs' Request for a Temporary Restraining Order is **DENIED**. Plaintiff has not satisfied the stringent standard for granting this extraordinary relief. Plaintiffs' moving papers demonstrate they had ample opportunities to file a request for a Temporary Restraining Order after the Governor's initial executive order, subsequent modifications thereto, and the filing of this complaint. It is noteworthy that, as Plaintiffs file this application, states that initially ordered the re-opening of indoor movie theaters have once again ordered their closure in response to rising COVID-19 infection numbers. Accordingly, Plaintiffs' request for temporary restraints is denied, and the motion for a preliminary injunction will be heard as set forth herein.

2. A copy of this Order to Show Cause, Memorandum of Law, and the supporting Declarations shall be served upon the Defendants through their counsel, Daniel Vannella, Esq., via e-mail at Daniel.Vannella@law.njoag.gov, within two (2) days of the date hereof.

3. Defendants shall file via CM/ECF and serve written response(s) to this Order to Show Cause and the supporting Memorandum of Law on or before July 24, 2020.

4. Plaintiffs may via CM/ECF and serve any written reply to one or both Defendants' opposition by July 31, 2020.

5. If the Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers and relief may be granted by default.

6. The Court will notify the parties whether it will entertain argument on the return date of the Order to Show Cause in accordance with Local Civil Rule 78.1.

A handwritten signature in black ink, appearing to read "Brian Martinotti", written in a cursive style.

Hon. Brian R. Martinotti
United States District Court Judge